" Circulation Books Open to All." NEW YORK, FRIDAY, MAY 3 1895.

PRICE ONE CENT.

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# NIGHT

Kings County Grand Jury Follows "The Evening World's" Advice.

### A WOMAN'S DEATH A CRIME

The Brooklyn Heights Railroad Management to Stand Trial for Manslaughter.

"THE EVENING WORLD'S" WORK

The Legislature Asked to Enact a Law to Compel Use of Safety Fenders.

The Kings County Grand Jury to-day returned an indictment against the Blookiyn Heights Railroad Company for manslaughter in the second degree The charge is for causing the death

of Mrs. Mary Medinger, sixty-three years old, of 148 President street, in front of St. Paul's Catholic Church, in Court street, Brooklyn. This is the first outcome of "The Evening World's" persistent crusade against the trolley killings, and directly

the corporation be indicted. There are two counts in the indictment, each charging manslaughter in the



DANIEL P. LEWIS

The indictment is found under subdivision 3 of section 193 of the Penal Code, which provides that a person or corporation which causes the death of another by culpable negligence, is guilty of manslaughter.

The first count shows that the Company was incorporated to operate street railroads in Brooklyn skilfully and cautiously, and to provide efficient fenders or guards to prevent, as far as possible. leath and injury.
On March 26, the Company unmindful

of its duty, says the paper, wilfully and knowingly, did not construct cars so that lives were not endangered, and did not provide such cars with proper

### Neglect That Is Criminal.

On Murch 26, by reason of such neglect. car 500, of the Court street line, ran over Mary A. Medinger, and by its culpable negligence inflicted wounds which

The second count of the indictment charges the corporation with manslaughter in the second degree, alleging that it made an assault upon Mrs. Medinger

Lawyer S. S. Whitehouse, counsel for the railway company, arrived at the Court of Sessions shortly before noon,

and after he had read the indictment, it was given to newspaper men to copy. The indictment was filed in the Court of Sessions, where Judge Moore presides. James W. Ridgway is the District Attorney who conducted the case before the Grand Jury The foreman of the Grand Jury is

Franklin D. Van Wort. Detective Bagnarello, of Mr. Ridgway's flice, served a summons on President Daniel F. Lewis, of the Brooklyn Heights Company.

President Lewis to Appear. corporation to plead to the indictment

in all cases where a corporation is convicted of an offense, for the commission ble to punishment with imprisonment as

(Continued on Seventh Page.)

### THE RIDICULOUS BOSS.



Is the Mock Napoleon of State Politics Seeing the Last of His Reign?

### IT IS PRIG'S ELLERSLIE

He Takes the Last Fixture to Be Decided at St. Asaph Track.

Fifield, Although Twice Headed, Wins the Second Event.

several Strings Preparing to Leav for Gravesend.

(Special to The Evening World.)
RACE TRACK, ST. ASAPH, May 3.-The management to-day declared off the emainder of its stake card. This action was taken because many owners are preparing to move to Gravesend and Association will substitute some special- ing results: y conditioned race each day, with liberal

idded money to fill up the gap. fourth race to-day three of the five entries were withdrawn and the nve entries were withdrawn and the second race was divided.

J. McLaughlin's string leaves for Brooklyn to morrow. August Helmont's borses will also be shipped for Graves-end. Other owners will ship during the

end. Other owners will ship during the early part of next week.

The weather cleared beautifully and the afternoon was very warm. The track was still heavy, but there were not many withdrawais. The card was not specially attractive, and the scratching of Song and Dance in the Ellersle Stak's destroyed the interest in that evert.

The attendance was large and the fifteen books on the line were kept very busy.

PIRST RACE.

WON'T HEAR COMSTOCK.

The S. P. V. Man Can't Speak to the Governor on Racing Bills.

ALBANY, N. Y., May 3.—Anthony Comstock telegraphed Gov. Morton to-day asking for a hearing on the Gray Bacing bill.

The Governor replied that he has de-

FIRST RACE.

High Point Belle cut out the running with Phoebus and Eftarre close up They ran in this order to the far turn where Loille Eastin was in difficulty and where Lollie Eastin was in difficulty of Paladin moved up, turning into distretch fourth. He rapidly cut down it leaders and won, driving, by three-par of a length from Ettarre, who was length in front of Phoebus. Time—1.67. SECOND RACE.

it made an assault upon Mrs. Medinger which resulted in her death.

The Papers Were Kept Back.

Judge Moore and District-Attorney Ridgway refused to permit reporters to examine the indictment until after it had been seen by a representative of the Company.

Lady Lawrence 106 (L'fleid) 5-2 1-5 1 1= 2

Fifield was first to show but was outtue by Lawrence and Tyvana. In the sprint to the turn. At that point the stretch, with Tyvana close at his heels. The latter headed Fifield at the furlong pole, but under punishment, that been seen by a representative of the Company.

FIGURE PACE.

THIRD RACE. Elleraite Stakes; mile and a sixteenth

Charate, 101 (H. Lynch) 12-1 3-1 4 2 2 Captain T. 104 (Keet) 4-5 1-3 2 4 4

Prig, who was last in a field of four a few days ago, galloped everything to death and won hands down by two lengths from Sandowne, who was second throughout. Charade was third, twelve lengths away, and twenty lengths in front of Capt. T. The latter was beaten a sixteenth of a mile by Prig to-day, whereas on Monday Capt. T. beat Prig about the same distance. Time-1.25 1-2

FOURTH RACE

Two-year-olds; half a mile.

Santers.

Lambent 104 (Print) 5-1 8-1 2 15-1 18

Sammestime, 28 (Naver) 5-1 8-5 4 4 215-24

Himparo, 26 (Keefet) 6-1 8-1 2 3-4

Stockholder, 101 th Lynch 6-1 8-5 4 5 5

Lambent rushed to the front and was President Lewis will appear for the corporation to plead to the indictment next Friday.

Section 13 of the Penal Code says that next Friday.

Bection 15 of the Penal Code says that Hubbard. Time—0.533-4.

### RESULTS AT CHICAGO.

RACETRACK, HAWTHORNE PARK, May 3.-The fine weather which provalled here to-day brought out quite a alled here to-day brought out quite a JUSTICE BARRETT GREW ILL of the second day of the meeting rur

of the second day of the meeting run. The third was declared off and an extra face of five horses added. The results are as follows:

First Race-Five furionss.-Won by Capt. Brown, even and out; Ortyanna second, out for place; Martha R. third. Time-1.01.

Second Race-Four and a half furionss.-Won by Belvour, 3 to 2 and 1 to 2; All second, 5 to 2 place, and Byrdee S. third. Time-0.51-4.

### RESULTS AT ROBY.

ROBY, May 3.-The races here to-day resulted as follows:

### LEXINGTON RESULTS.

the stakes would be poor affairs. The continued here to-day with the follow-

ing results:

all ing results:

all ing results:

all First Race—One mile—Won by Buck Massie, 1 to 2 and out; Queen May second place, 2 to 5, and Conjecture third.

Becond Race—Sx furlongs—Won by Whoyata, 8 to 5 and 1 to 2, Merry Monarch second, 2 to 1 place; Cicily third.

Won't HEAR.

Ciently dispelled to permit of his going to his private room. The foul air of the room had made him ill.

When court adjourned to-day there was but one vacant seat in the jury-box. It is known that Col. Fellows will make a strenuous effort to have William P. Duravio, the sixth juror, ruled off the WON'T HEAR.

WON'T HEAR.

### WON'T HEAR COMSTOCK.

The Governor replied that he has decided not to give any more hearings on bills, but that Mr. Comstock could file a brief and it would be considered. Mr. Comstock replied that he would

### file one within three days. Sewing-School's Hig Exhibit.

The New York Association of Sewing Schools a closing its second working year with an exhibit sewing opened this afternoon in the Hotel

### Assaulted a Policeman

Outs Kemiltz, forty-eight, of 225 West One Hur inst an Twenty-ninth street, abused the night watelaman of Bloomingdale Brothers' dry-goods watersman of illocuringdale Brothers' dry-goods stars, who was walking about the outside of the piece last highly and whom reministrated with by Policebase Limmers, of the fact Sixty-seventh streat station, succed a min used by a newsgirf and struck the officer on the head. Lammers arracted him, but it required three policement to set turn to the slatinhouse. On the way to court this mearing Kemilia suited by tuned upon Lammers and iscall him a blow in the face dustice Densel committed him to the taland for five days.

Kilgannon Wants to He & Cop. William H. Kilganson, through his connect outs J. Grant, applied to Justice Lawrence, in

Annie Schultz allas Link, was held for tri

The first battation, consisting of ten companies the annual police parade May II, is being drille

Fainted While McLaugh'in Talesmen Were Being Questioned.

A Talesman in the Court-Room Alse Taken Suddenly Ill. .

Whie the examination of talesmen for jurors to try Inspector McLaughlin was in progress in the Court of Oyer and Terminer this afternoon, Justice Barrett First Race—Four furlongs.—Won by Miss Lyon, 4 to 5 and out; Ensign sectiond, 1 to 3, and Social Smith third.

Second Race—Six furlongs.—Won by Kalamagao, 4 to 1 and 8 to 5; Nativity second and Idyl third. Time—L17 3-4.

In progress in the Court of Oyer and Terminer this afternoon, Justice Barrett grew suddenly very pale and made a motion to a court attendant. Instantity the attendant called out;

"The Court takes a recess."

Justice Barrett was supplied with smelling saits and the sudden faintness



JUSTICE BARRETT.

Durando belongs to the same lodge of the Ancient Order of United Working men as McLaughlin, he is personally ac-quanted with McLaughlin, and some years ago made what ludge Morgan J. O'Brien has characterized as a "technical fraudulent assignment" of his bus-iness as a butcher in Washington Mar-ket

Ret.
The first talesman called to-day was Alexander Brown, Jr., and Mr. Fox examined him for the prosecution.
Mr. Brown tripped over one of Mr. Fox's queries and was ruled out.
Victor Acker, a photographer, of 210 West Tenth street, was accepted by the defense, but challenged by the prosecution.

the talesmen in the rear of the courtcom pitched violently forward from his
seat and struck an oak rail, cutting a
deep gash in his forehead. He was taken
from the court-room, leaving a trail of
thood behind him. A physician was
called from the rooms of the Health
Department.

### CIRCASSIA RUNS AGROUND.

stuck Fast in the Clyde While on Her Way to New York. GLASGOW May 3.-The Anchor line steamer Circassia, Capt. Shanklin, which sailed from this port yesterday for New York, is aground in the River Clyde, near Dumbarton. Two tugs have been sent to her assistance.

## M'AVOY GETS OFF THE FORCE.

The Inspector Allowed to Retire on a Pension of \$1,750 a Year.

### HE ANTICIPATED DISMISSAL

Andrews's Motion to Table the Application for Investigat on Voted Down

CAPT, PRICE TRIED TO GET OUT.

He and Five Other Policemen. Including Detective Hanley, Asked for Release.

The Police Board this afternoon retired Police Inspector Thomas F. Mc Avoy on a pension of \$1,750 a year. Police Captain Price was one of fiv others to apply for retirement. The applications were laid on the table. It is thought the applications were made as a result of the selection of

Roosevelt, Grant and Parker to succeed Martin, Murray and Kerwin.

The new Commissioners, it is thought, will at once take steps to reorganize the force, and McAvoy and Price wish to

anticipate action in their cases. retirement of McAvoy was against the most bitter of Commissioner Andrews, who, for the first time since he became a member of the Board, gave full expression to his opinion of his

colleagues in the Board.

President Martin introduced the subct by stating 'hat he had not heard of Inspector McAvoy's desire to retire until 1.30 o'clock to-day. He said the Inspector had been a member of the force since Jan. 20, 1870, and had therefore served over twenty-five years.



"I believe," said President Martin.
"that the Inspector would be entitled to retirement if he had only served twenty years. There are no charges pending against him, and for my part I can see no legal reason why this Board should the commissioner Andrews rose to his feet and protested that it was not the time nor the place to discuss the organization or its methods.

All the Commissioners began talking.

tion to take the usual course, if for no other reason than to investigate why it was sprung on the Board in this very

West Tenth street, was accepted the defense, but challenged by the prosecution.

William A Irwin, of 328 Water street, when asked by Mr. Fox to point out Inspector McLaughiln, pointed out Juror Durando as the defendant. Durando grew scarlet, as every one in the court-room roared with laughter.

The court was opened promptly at 2.25 o'clock, but Justice Barrett looked pair and ill when he entered the court-room He staggared slightly from weakness as he went to his place, but otherwise he gave no indication of the fact that he was feeling unwell.

Michael Sexton was examined and selected by McLaughiln's lawyers, but the prosecution challenged peremptority william English, a public accountant at 41 Broadway, was accepted as indicating them only one peremptory challenge.

As Mr. English left the stand, one of the talesmen in the rear of the courting and the two Republican Commissioner Andrews to declared that the Inspector Section of the fact that he was sterified and the was therefore force warned of the probable results of the foundation of the fact that he was accepted as indication challenged peremptory challenge.

As Mr. English left the stand, one of the proceedings.

As Mr. English left the stand, one of the talesmen in the rear of the courting and the two Republican Commissioner Andrews declared that he was astonished beyond measure at the audacity of the proceedings.

He saw almost at once that the President and the two Republican Commissioner Andrews declared that the audacity is the proceedings.

### the matter the attention it deserves before lumbering up the pension roll with the name of another able-bodied "Inspector McAvoy is the juntor in-

spector. He is not yet forty-eight years old. I insist that he should be examined as to his capabilities of performing further duty before we retire him.
"If the Board persists in letting its action stand, I believe that there will The Mayor sent the folio be such a protest entered before many to the two Commissioners:

hours as will make their ears tingle. "It is an outrageous proceeding, un-

precedented and berhaps illegal. As to the present and future needs of the Po-the last I will see to it that that is soon lice Department leads me to the conclu-



CAPT. JAMES K. PRICE

Pale with Rage. When the Commissioner took his seat his lips trembled from passion, and his face was ghastly white. Commissioners Murray and Kerwin

never uttered a word except to say "No to Mr. Andrews's resolution and "Aye" to President Martin's. Capt. Price's application for retire-

ment was one of five others. Hanley Wanted to Retire Also. Among them was that of Deective-Sergt. Charles A. Hanley, who

ollusion with criminals. The particular charge against Hanley was that he had accepted a gold watch and other presents from Jimmy Mc-

Nally, the green-goods king. This application was also laid over. The other applications were those of Patrolmen George W. Clock, of the East | said: Thirty-fifth street station, and Jacob Brun, of the East Eighty-eighth street station, and George B. Huff, of the West Sixty-eighth street station.

Promoted to Be Roundsmen. Oliver A. Pratt, of the Broadway squad; Alonzo Powell, of the East Eighty-eighth street station; Brady, of the Central Office squad; Miles Gorman, of the Church street station, and James F. Mally, of the Sanitary Squad, were promoted to be rounds-

strength of an opinion from the Corporation Counsel to the effect that the Police Board had the right to make this particular promotion without asking the Civil-Service Board to furnish an eligible list.

Mayor's desk Col. Strong greeted him

### Andrews Again Protests.

Commissioner Andrews entered another protest. He said he did not believe in promoting the men without first having called them before the Board, if for nothing more than to look at them. This, said the Commissioner, is another instance of railroading, but now the purpose is obvious to me, and I say that the responsibilities rest with you

no legal reason why this Board should not grant the application."

Andrews Wanted to Table It.

Commissioner Andrews moved to table the application.

"That is the course that has been followed since I have been a member of the Board," said he, "and even beforein fact, since the Lexow Committee began its investigation.

"This is a highly important matter. I had no intimation of it until the clerk just read the application. I think that it would be wise to allow this application to take the usual course, if for no cancers in the list of roundamen. pointed. There are also many ancies in the list of roundsmen.

### Inspector McAvoy's Career.

was sprung on the Board in this very unusual manner."

Andrews Voted Down.

A vote was taken on Commissioner Andrews's motion to table. His own was the only vote in the affirmative.

A wote was then taken on motion of President Martin to retire Inspector McAvoy was made a patrol-man and assigned to the West One Hundred and Forty-second street station. Eighteen months after his appointment McAvoy was ranked a roundsman, and suft to the Nineteenth Precinct. In 1881 he was promoted to a Sergeantcy and assigned to his old precinct. In 1881 he was promoted to a Sergeantcy and assigned to his old precinct. In 1881 he was promoted to a Sergeantcy and assigned to his old precinct. In 1881 he was promoted to a Sergeantcy and assigned to the Twentieth Precinct and Dec. 8, 1890, was made a patrol-man and assigned to the West One Hundred and Twenty-fifth street station. The President declared the applica-tion granted, saying that the Inspector could consider himself relieved from further police duty.

Station.

April 29, 1892, McAvoy was promoted to the rank of Inspector and given the Second Inspection District, on the west side of the city up to One Hundred and Twenty-fifth street.

### Capt Price's Record.

Capt James K. Price has been in hot water almost from the day he was promoted to a Captaincy. He was horn in England April 27, 1847, and came to this country when quite a lad. Here he followed the business of boiler-maker. defeated, and he was therefore forewarded of the probable results of the warned of the probable results of the vote on President Martin's motion, Mr. Andrews declared that he was astony of the proceedings.

He saw almost at once that the President and the two Republican Commissioners had their heads together and were determined to grant the application.

Shook His Finger at Martin.

"I protest," said Commissioner Andrews, rising out of his country when quite a lad. Here he followed the business of boller-maker, but gave up that work to become a policeman en Dec. 4, 1874.

Until his appointment as captain, only there complaints had been made against him, two of which were dismissed. After his appointment he remained temporarily at Police Headquarters, and later took command of the East One Hundred and Fourth street station.

The charke upon which Capt. Price is now under indictment, was made by Jired Flagg, who rents a number of flat-houses in the city. It is that the Captain attempted to extort meney from him by threatening to accuse Flagg of using the flat-houses for immoral purposes.

Price has figured in a number of exposures made by "The Evening World."

There has been no consideration of the application by the full Board, which fact is unusual, to say the least, and I submit that my colleagues had better reconsider this determination and give

### ASKED TO RESIGN?

Strong Said to Have Writter to Murray and Kerwin.

Mayor Strong has at last taken the bull by the horns and demanded the resignations of Police Commissioners Murray and Kerwin.

The Mayor sent the following letters

"Dear Sir: A careful consideration of the Department leads me to the conclusion that it would be desirable for you PHILLIES WANTS to resign your position as Police Commissioner, to take effect Monday, May 6."

When asked about the matter, Mayor Strong said:

"I don't care to speak about that now It is a matter between me and them. "They should be the ones to give out

anything concerning it if such is the When an "Evening World" reported sent his card to Gen. Kerwin to ask

whether he had received the Mayor's mescage demanding his resignation, the General came to the door and said: "I anticipate your question and mus refer you to the Mayor for a confirma

ing to say." Commissioner Murray also refused t affirm or deny the report of the demand for his resignation

Commissioner Andrews left Head

tion of the report. I simply have noth-

quarters in has e after the Board meet It is said that he went down to make a personal report of the meeting to the Mayor, and to insist that unless Commissioners Murray and Kerwin were re-

moved forthwith and another Commis

sioner appointed to succeed President Martin, whose term has expired, he was accused by witnesses before the would design from the Board.

Lexow Committee of having been in However that may be, Com However that may be, Commis Andrews called at the Mayor's office shortly before 4 o'clock this afternoon. He had not heard of the Mayor's letter

to Commissioners Murray and Kerwin.

When told of the Mayor's action, he

judge from their outrageous actions at the meeting to-day that they did not expect to sit again as Police Commis-

"They rushed through several promo tions without affording me the courtesy even of knowing who I was asked to promote. The proceedings were unprecedented, and showed plainly that something was going to happen." Commissioner Andrews appeared to be

greatly relieved when he heard that Murray and Kerwin had been told to Mayor's desk Col. Strong greeted him heartily. "Sit down, Commissioner, and have

Andrews a grip which made that official wince. drinking tea and talking over police af-

cup of tea with me," he said, giving Mr.

WRIT FOR WILLIAM REILLY.

Folice Board May Review His Application for Retirement.

Louis Grant obtained a writ of certiorari in the Supreme Court to-day in the case of Policeman William Rellly against the Board of Police Commission of the Commiss

against the Board of Police Commissioners, which will be in the nature of

### TO KEEP WEINSTEIN AWAY?

He Says Naisel Feared He Would Swear for Policemen.

Benjamin Weinstein, who was arrested yesterday on an indictment charg-ing him with extorting money from Peddler Jacob Naisel to pay for police protection, was admitted to \$1,500 bail to-day by Justice Cowing. John Bund, to-day by Justice Cowing. John Bund, who has a saloon at Columbia and Houston streets, was his bondsman. Weinstein said to-day that Naisel was arrested recently by Policemen Brons and Truelig, of the Delancey street station, because, as Naisel claims, he had ceased to pay protection money. Naisel has made charges against these policemen at Headquarters, and Weinstein says that the reason he was indicted was because Naisel wanted to get him out of the way, so that he could not testify for the policemen before the Police Board.

It is thought that the District-Attorney will also try to bring the charges against the policemen before the court.

### The Trouble in Nicaragua

The only full accounts of the base-ball game are given in "The Evening World's" Baseball Extra, issued immediately after the last play has been made.

day through the errors of Messra, Ernest Harvier and Charles Steckler. Oscar Dreyer was appointed General Inspector of the Board of Exclass at a palary of \$1,800 on motion of Commissioner Julius Harburger. The organization is continually seems been made.

# THIS GAME.

Desperate and Tired of Being Tailenders in the League Race.

### M'GILL IN THE QUAKERS' BOX.

Stafford Knew Just What to Do With Cross's Hit and Caught Delehanty at Third.

MURPHY IN CENTRE FIELD.

The Yale "Brownie" Replaces Big Van Hallren-German Pitching -Attendance 5,000.

(Special to The Evening World.) BASEBALL PARK, PHILADELPHIA May 3.—Although a goodly crowd attended the second game between the Giants and Quakers here to-day, it seemed like a mere drop in the bucket when compared to the immense throng of howling cranks that saw Capt. Davis's men wallop Arthur Irwin's outfit yeste in the inaugural game of the hos

Phillies Don't Like the Tall Boll. Not a bit disheartened by ye defeat and the fact that they are held down last place, the Phillies enter to-day's game with a dogged of allon to win.

The Giants received a rousing east they came upon the field. It the New York cranks, who are cheered for them, but the major of the home rooters applicate boys.

boys.

The weather was cloudy and uncertain, and before the game because it looked doubtful if the full nine lanings could be played.

When play was called there were fully 5,000 people present.

The Batting Order.

The batting order was as follows

chriver, c. Boy lerman, p. McC Umpire-Mr. Campbell. New York went into the field, Murphy taking Van Haltren's place in centre

sioners, which will be in the nature of a test case on the police pension question.

Relly, who has been on the force for ment Dec. 19, 1894, and again April 19 is last. The Board having taken no action on Relly's application, he threateled mandamus proceedings with the result that the Commissioners rejected the application.

Mr Grant said that between 300 and 400 members of the police force are entitled to retirement and a pension under the twenty years service law, and that the total amount involved was in the total amount involved was in the neighborhood of \$350,000 a year in pensions.

He contends that under the decision of the Court of Appeals in the case of Policeman Michael Brady, the Board of Policeman Michael Brady the Michael Brady the Michael Brady the Board of Policeman Michael Brady the Michael Brady the Board of Policeman Michael Brady the Michael Brady the Board of Policeman Michael Brady, the Board of Policeman Michael Second Inning

Samuel Thompson fell before German's strategic paraboles. Buckley's long fly fell into Eddie Burke's mitt. Suilivan dropped a safe one behind third, but was left at first, Boyle being an easy out at first. No runs.

Davis pounded a grounder which Hallman trolleyed to first. Doyle met with precisely the same treatment, and Tiernan gave Hallman his third chance, which the little second baseman acaccepted like a major. No runs.

SCORE BY INNINGS:

### Philadelphia 1 0 0 0 New York 0 0 0 0 WASHINGTON VS. BOSTON.

SCORE BY INNINGS:

AT BOSTON.

### DREYER MADE INSPECTOR. Independents Secure Another Berth

from the Excise Board. Another plum for the Independent County Organization was obtained today through the efforts of Mes